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Attorneys for Defendants
CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MELISSA WHIPPO NETA, individually and on
behalf of a class of similarly-situated persons,

Plaintiff,

v.

CELLCO PARTNERSHIP d/b/a VERIZON
WIRELESS, a foreign partnership, and DOES 1-
50,

Defendants.

Case No. 09 CV 6102 WHA

**JOINT STIPULATION AND
[PROPOSED] ORDER**

JOINT STIPULATION AND [PROPOSED] ORDER

WHEREAS the Complaint in the above-captioned action was filed on December 31,
2009;

WHEREAS the above-captioned action is one of numerous similar putative class actions
(the “Actions”) pending in various different judicial districts throughout the country against

JOINT STIPULATION AND [PROPOSED] ORDER
CASE NO. 09 CV 6102 WHA

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1 defendant Cellco Partnership d/b/a Verizon Wireless (“Verizon Wireless”) regarding charges for
2 data usage by Verizon Wireless subscribers;

3 WHEREAS on December 17, 2009, plaintiff’s counsel in one of the Actions filed with the
4 Judicial Panel on Multidistrict Litigation (“the Panel”) a motion to transfer the related Actions
5 pending at that time to the United States District Court for the District of New Jersey, pursuant to
6 28 U.S.C. §1407 (“the MDL Motion”);

7 WHEREAS several substantially similar actions - including the above-captioned Action -
8 were filed in federal court after the MDL Motion was filed;

9 WHEREAS the above-captioned action is a potential tag-along action to the prospective
10 MDL;

11 WHEREAS the MDL Motion and the responses filed thereto request that the cases be
12 centralized for pretrial proceedings either in the District of New Jersey or the Southern District of
13 California;

14 WHEREAS the MDL Motion remains pending before the Panel and is set for hearing on
15 March 25, 2010;

16 WHEREAS Verizon Wireless and plaintiffs in this Action agree that transfer and
17 centralization of the Actions is appropriate;

18 WHEREAS a stay of the above-captioned action is warranted in order to avoid duplicative
19 and overlapping litigation, waste of judicial resources, and potentially conflicting rulings in the
20 Actions;

21 WHEREAS this Court has the power to grant a stay, and a stay would promote judicial
22 economy and avoid prejudice to the parties;

23 WHEREAS this action has just commenced and there has been no activity in the case;

24 WHEREAS absent a stay, the Court and the parties face imminent litigation deadlines and
25 whereas such duplicative proceedings prior to the MDL determination would likely result in the
26 duplication of effort by the parties, a waste of judicial resources, and the risk of conflicting
27 rulings;

28 JOINT STIPULATION AND ~~PROPOSED~~ ORDER
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1 WHEREAS the parties have met and conferred and agree that this action should be stayed
2 pending a decision by the Panel regarding the MDL Motion;

3 WHEREAS on February 9, 2010, Magistrate Judge Spero entered an order staying this
4 action pending a decision by the Panel;

5 WHEREAS this case was subsequently reassigned to Judge William H. Alsup;

6 WHEREAS the parties' joint case management conference statement is currently due on
7 April 1, 2010; and

8 WHEREAS an Initial Case Management Conference is currently scheduled for April 8,
9 2010 at 11:00 a.m.

1 NOW, THEREFORE, the parties hereby stipulate and request that the Court enter an order
2 that: 1) this action is stayed pending a decision by the Panel; 2) all filing deadlines and all
3 hearing and conference dates are VACATED; and 3) the parties shall notify the Court of the
4 Panel's decision within 10 days of the decision.

5
6 Dated: March 22, 2010

NEWMAN & NEWMAN, ATTORNEYS AT LAW,
LLP

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8 By: /s/ John Du Wors

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Attorneys for Plaintiff

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16 Dated: March 22, 2010

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18 By: /s/ Tiffany Cheung

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*Attorneys for Defendant Cellco Partnership d/b/a
Verizon Wireless*

24 **IT IS SO ORDERED.**

25
26 DATED:

27 By: Judge William Alsup

28 JOINT STIPULATION AND ~~PROPOSED~~ ORDER
CASE NO. 09 CV 6102 WHA

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GENERAL ORDER 45 ATTESTATION

I, Tiffany Cheung, am the ECF user whose ID and password are being used to file this Joint Stipulation and [Proposed] Order. In compliance with General Order 45, I hereby attest that John DuWors of Newman & Newman, Attorneys at Law, LLP. has concurred in this filing.

MORRISON & FOERSTER LLP

By: /s/ Tiffany Cheung
Tiffany Cheung

Attorneys for Defendant
CELLCO PARTNERSHIP d/b/a
VERIZON WIRELESS

ORDER

The Court hereby orders:

1. This action is stayed pending a decision by the panel;
2. The parties shall notify the Court of the Panel's decision within ten days of the decision;
3. The case management conference is CONTINUED to July 8, 2010, at 11:00 a.m. Please file a joint case management statement at least seven days prior.

Dated: March 24, 2010.

